

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 3:19-cr-171

vs.

NATHAN GODDARD, *et. al.*,

District Judge Michael J. Newman

Defendants.

ORDER: (1) GRANTING THE PARTIES' JOINT ORAL MOTION TO CONTINUE; (2) TOLLING THE SPEEDY TRIAL ACT DEADLINE; (3) EXCLUDING THE TIME PERIOD FROM SEPTEMBER 12, 2023 TO OCTOBER 15, 2023 FROM THE SPEEDY TRIAL ACT CALCULATION; AND (4) SCHEDULING A TELEPHONE STATUS CONFERENCE FOR OCTOBER 13, 2023 AT 4:00 P.M.

This criminal case comes before the Court after a status conference held on September 15, 2023. During the conference, the parties present jointly moved for a continuance while the Sixth Circuit considers the pending petition for a writ of mandamus. The Court finds that, pursuant to 18 U.S.C. §§ 3161(h)(7)(A), (B)(i), after considering the factors set forth therein, the ends of justice are served by granting the requested continuance and that such continuance outweighs the best interest of the public and Defendants in a speedy trial. Failure to grant the requested continuance would deny both the Government and Defendants the time necessary for effective preparation (such as having witnesses available to testify at trial), and the ability to explore all available means of resolving this case. *See* 18 U.S.C. § 3161(h)(7).

Thus, the Court hereby **GRANTS** the joint oral motion to continue. The Court finds that, pursuant to 18 U.S.C. §§ 3161(h)(7)(A), (B)(i), after considering the factors set forth therein, the ends of justice are served by granting the requested continuance and that such continuance

outweighs the best interest of the public and defendant in a speedy trial. Failure to grant the requested continuance would deny both the Government and Defendant the time necessary for effective preparation (such as having witnesses available to testify at trial), and the ability to explore all available means of resolving this case. *See* 18 U.S.C. § 3161(h)(7). Accordingly, the Speedy Trial Act deadline is tolled while the petition for a writ of mandamus remains pending before the Sixth Circuit. The time period from September 12, 2023 to October 15, 2023 is excluded from the Speedy Trial Act calculation. The Court sets a telephone status conference for October 13, 2023 at 4:00 p.m. Counsel shall call: 1-888-278-0296, enter access code 2725365, security code 123456, and wait for the Court to join the conference.

IT IS SO ORDERED.

September 19, 2023

s/Michael J. Newman
Hon. Michael J. Newman
United States District Judge